

AN ORDINANCE

BY COUNCILMEMBER CATHY WOOLARD

01- ①-1446

**AN ORDINANCE TO PROVIDE FOR THE DEANNEXATION OF LAND
LOCATED AT 1761 SOUTH PONCE DE LEON AVE., NE, ATLANTA,
GEORGIA FROM THE CORPORATE LIMITS OF THE CITY OF
ATLANTA GEORGIA; AND FOR OTHER PURPOSES.**

WHEREAS, the Atlanta city limit line dissects the residential property located at 1761 South Ponce de Leon Avenue, Atlanta DeKalb County, Georgia 30307 so that the rear portion of the property is located within the corporate limits of the City of Atlanta while the front portion is located in unincorporated DeKalb County; and

WHEREAS, pursuant to O.C.G.A. § 36-36-22, the Board of Commissioners of DeKalb County, Georgia has indicated its consent to the deannexation by adoption of a Resolution attached hereto as Exhibit A; and

WHEREAS, O.C.G.A. § 36-36-22 allows the governing bodies of municipal corporations of the state of Georgia to deannex an area or areas of its existing corporate limits upon the written and signed application of the owner of the land to be deannexed; and

WHEREAS, pursuant to O.C.G.A. § 36-36-22, the property owner has properly requested deannexation from the City of Atlanta by submission of a signed application containing a complete description of the property to be deannexed attached hereto as Exhibit B.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The property at 1761 South Ponce de Leon Avenue, Atlanta, DeKalb County Georgia 30307, is hereby deannexed from the corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. The DeKalb County Board of Commissioners has evidenced its consent to the deannexation by Resolution, adopted and approved on July 10, 2001, a certified copy of which is hereby filed as part of this Ordinance and identified as Exhibit A.

Section 3. There is hereby filed, as part of this Ordinance and identified as Exhibit B, the property owner's application for deannexation together with a copy of the legal description of the property to be deannexed.

Section 4. The Municipal Clerk is hereby authorized and directed to file a report identifying the property deannexed with the Department of Community Affairs and with the governing authority of DeKalb County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the deannexation of the Property.

Section 5. All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

APPLICATION FOR DEANNEXATION OF LAND

To: The Honorable Mayor and City Council of the City of Atlanta, Georgia

1.

Pursuant to the requirements set forth in O.C.G.A. §36-36-22, I as the owner of the land described in "Exhibit A" attached hereto, hereby request that said land be deannexed from the corporate limits of the City of Atlanta, Georgia.

2.

The lands described in Exhibit A attached hereto are within the existing corporate limits of the City of Atlanta, Georgia in the area shown and legally described on the plat attached as part of Exhibit A.

3.

The property is located at 1761 SOUTH PONCE DE LEON AVE. NE; consists of 1 3/4 acres; contains a single family residence; and is zoned RESIDENTIAL.

4.

The reason for this request is that the ~~front~~^{REAR} portion of the property is located within the corporate limits of the City of Atlanta while the ~~rear~~^{FRONT} portion is located in unincorporated DeKalb. Deannexation will result in CONSOLIDATING BOTH PORTIONS OF THIS PROPERTY INTO UNINCORPORATED DEKALB COUNTY.

5.

Attached to this Application is a Resolution of the DeKalb County Commission dated July 10, 2001 evidencing its consent to the deannexation of said property.

Applicant: NORMAN R. HARBAUGH

Address: 1761 SOUTH PENCE DE LEON AVE., N.E. ATLANTA, GA. 30307

Phone: 404 - 373 - 0307

Signature: Norman R. Harbaugh

All that tract or parcel of land lying and being in Land Lots 218 and 243, 15th District, DeKalb County, Georgia, being Lot 7, Block B, Dand Hills Subdivision, and being more particularly described as follows:

BEGINNING at an iron pin found on the southwestern side of Peace De Leon Avenue South, 765.0 feet southerly and southeasterly from Clifton Road, as measured along the westerly and southeasterly side of Peace De Leon Avenue South, running thence southeasterly along the southeasterly side of Peace De Leon Avenue South, 125.0 feet to an iron pin found, running thence southeasterly, and forming an interior angle of 97 degrees 37 minutes with the southeasterly side of Peace De Leon Avenue South, 342.3 feet to an iron pin found, running thence southeasterly, and forming an interior angle of 199 degrees 09 minutes with the last preceding course, 223.7 feet to an iron pin found, running thence easterly, 100 feet to an iron pin found, running thence northeasterly, 375.3 feet to a point, running thence northeasterly 257.6 feet to the southeasterly side of Peace De Leon Avenue South and the point to beginning, being improved property having a one-story brick and frame house thereon known as No. 1775 Peace De Leon Avenue, South, according to the present numbering of houses in DeKalb County, Georgia, and being more particularly shown on survey prepared by Georgia Land Surveying Co., Inc. dated April 15, 1986.

Iron Pin 119147, 253

John Carter

John Carter
Clerk of Superior Court, DeKalb County, Ga.
NOTARIAL PUBLIC

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HEARING TYPE

Preliminary

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: July 10, 2001

ACTION TYPE

Resolution

SUBJECT: Deannexation of Property – Norman Harbaugh

DEPARTMENT: Chief Executive Officer

PUBLIC HEARING: Public Hearing ☒ YES ☐ NO

ATTACHMENT: Attachment ☒ Yes 6 pages

INFORMATION CONTACT: Commissioner Gale Walldorff

PHONE NUMBER: 404-371-3054

PURPOSE:

To consider supporting deannexing from the City of Atlanta property located at 1761 South Ponce de Leon Avenue, Atlanta, Georgia, as described in Exhibit "A" of the attached resolution, so that all property at this address is located entirely within unincorporated DeKalb County.

NEED/IMPACT:

A request has been received from the owner of property located at 1761 South Ponce De Leon Avenue, Atlanta, Georgia, to have all of his property at this address become a part of unincorporated DeKalb County.

RECOMMENDATION(S):

Approve adoption of a resolution consenting to deannexation, from the City of Atlanta, of property located at 1761 South Ponce de Leon Avenue, Atlanta, Georgia, as described in Exhibit "A" of the resolution, so that all property at this address will lie entirely within unincorporated DeKalb County.

RESOLUTION**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB
COUNTY, GEORGIA, CONSENTING TO THE DEANNEXATION OF
PROPERTY LOCATED AT 1761 SOUTH PONCE DE LEON AVENUE,
DECATUR, GEORGIA 30307**

WHEREAS, O.C.G.A. Section 36-36-22 specifically allows the governing bodies of the municipal corporations of this State to deannex an area or areas within existing corporate limits and said code section sets forth the process whereby property located in this state is to be deannexed from an existing municipal corporation; and

WHEREAS, O.C.G.A. Section 36-36-22 requires the owners of all the land who desire deannexation to submit a written signed application containing a complete description of the property to be deannexed to the county in which the property is located and further requires that if the county consents to such deannexation, such consent shall be indicated in a resolution of the governing authority of the county in which the property is located. If such consent is given, the property owner then proceeds to apply with the local municipal corporation for deannexation via ordinance; and

WHEREAS, the Atlanta city limit line dissects the property located at 1761 South Ponce de Leon Avenue, Atlanta, DeKalb County, Georgia, 30307; and the property owner has properly requested deannexation from the City of Atlanta; and

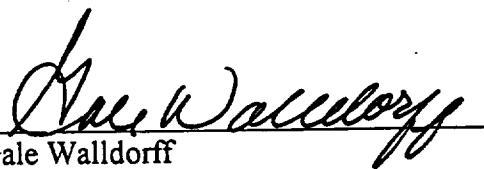
WHEREAS, the Board of Commissioners of DeKalb County finds that it is in the best interest of DeKalb County to consent to the deannexation of any portion of 1761 South Ponce de

Leon Avenue, Atlanta, DeKalb County, Georgia 30307 which is located within the City of Atlanta; 1

WHEREAS, it is the intent of the Board of Commissioners of DeKalb County that all of the property at 1761 South Ponce de Leon Avenue, Atlanta, DeKalb County, Georgia 30307 as fully described in Exhibit "A," become a part of unincorporated DeKalb County upon deannexation via ordinance by the City of Atlanta, (See Exhibit "A," a copy of the legal description of 1761 South Ponce de Leon Avenue, Atlanta, Georgia 30307 which is incorporated herein by reference);

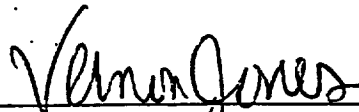
NOW THEREFORE, BE IT RESOLVED, that DeKalb County, Georgia, consents to the deannexation of the property located at 1761 South Ponce de Leon Avenue, Atlanta, DeKalb County, Georgia 30307, and if allowed to do so by ordinance from the City of Atlanta, the property described in Exhibit "A" upon passage of the ordinance by the City of Atlanta, would lie entirely within unincorporated DeKalb County.

ADOPTED by the DeKalb County Board of Commissioners, this 10th day of July, 2001.

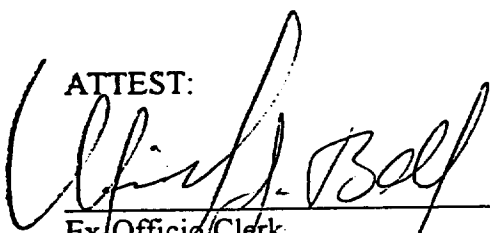

Gale Walldorff
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 10th day
of July, 2001.

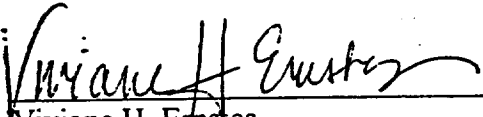
1


Vernon Jones
Chief Executive Officer
DeKalb County, Georgia

ATTEST:


Ex-Officio Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:


Viviane H. Ernstes
Chief Assistant County Attorney
DeKalb County, Georgia



Lawyers Title Insurance Corporation

ATLANTA BRANCH OFFICE

DEED TO SECURE DEBT

STATE OF GEORGIA

DeKalb County.

THIS INDENTURE, Made the 15th day of March in the year one thousand nine hundred Seventy-one, between

NORMAN R. HARBAUGH AND SARAH H. HARBAUGH

of the County of DeKalb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

THE NATIONAL BANK OF GEORGIA

as party of the second part, hereinafter called Grantee

WITNESSETH, That Grantor, for the consideration hereinafter set forth, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land being and being in Land Lots 238 and 243 of the 15th District of DeKalb County, Georgia, being Lot 6, Block 8 of Plat of Druid Hills and being more particularly described as follows:

BEGINNING at a point on the southwesterly side of Ponce De Leon Avenue South (also known as South Ponce De Leon Avenue) at the line of Lot 6 of said block and plat, said beginning point also being 595 feet southeasterly, as measured along the southwesterly side of Ponce De Leon Avenue South, from the corner formed by the intersection of the southwesterly side of Ponce De Leon Avenue South with the southeasterly side of Clifton Road; running thence southeasterly along the southwesterly side of Ponce De Leon Avenue South 110 feet to Lot 7 of said block and plat; thence southwesterly along the line of said Lot 7 a distance of 237.6 feet to a point; thence southerly 375.3 feet to a point; thence westerly 100 feet to a point; thence northerly 459.7 feet to a point; thence northeasterly along the line of Lot 5 of said block and plat 297.6 feet to the southwesterly side of Ponce De Leon Avenue South and the point of beginning; being improved property known as 1761 South Ponce De Leon Avenue according to the present system of numbering houses in DeKalb County, Georgia.

FILED

DEKALB CO. GA.

MAR 18 10 21 AM

THERN BURGESS
CLERK SUPERIOR COURT

THIS CONVEYANCE is made under the provisions of the existing Code of the State of Georgia to secure a debt (and interest thereon and other indebtedness as described herein) evidenced by One note dated March 15, 1971 made by Grantor to order of Grantee, for the principal sum of THIRTY THOUSAND AND NO/100----- (\$30,000.00) Dollars. Said principal sum being payable as set forth in said Note with interest at the rate set forth therein, the balance of said principal sum with interest thereon, maturing and being due and payable on the 15th day of March, 1996, to which Note reference is hereby made.

In addition to the secured indebtedness herein described, this deed shall also secure any and all other indebtedness, past, present or future, owing by Grantor to Grantee, in all respects as if the same were specifically set forth herein.

GEORGIA, DeKALB COUNTY

BOOK 2624 PAGE 798

THIS INDENTURE, Made the 15th day of March, in the year one thousand nine hundred Seventy-one between:

JACK B. NICKEL AND LOIS R. NICKEL

of the County of DEKALB, State of GEORGIA, as party or parties of the first part, hereinafter called Grantor, and

NORMAN R. HARBAUGH AND SARAH H. HARBAUGH

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 238 and 243 of the 15th District of DeKalb County, Georgia, being Lot 6, Block 8 of Plat of Druid Hills and being more particularly described as follows:

BEGINNING at a point on the southwesterly side of Ponce De Leon Avenue South (also known as South Ponce De Leon Avenue) at the line of Lot 6 of said block and plat, said beginning point also being 595 feet southeasterly, as measured along the southwesterly side of Ponce De Leon Avenue South, from the corner formed by the intersection of the southwesterly side of Ponce De Leon Avenue South with the southeasterly side of Clifton Road; running thence southeasterly along the southwesterly side of Ponce De Leon Avenue South 110 feet to Lot 7 of said block and plat; thence southwesterly along the line of said Lot 7 a distance of 237.6 feet to a point; thence southerly 375.3 feet to a point; thence westerly 100 feet to a point; thence northerly 459.7 feet to a point; thence northeasterly along the line of Lot 5 of said block and plat 207.6 feet to the southwesterly side of Ponce De Leon Avenue South and the point of beginning; being improved property known as 1761 South Ponce De Leon Avenue according to the present system of numbering houses in DeKalb County, Georgia.

Ga. Real Property Tax

\$ 25.00

Paid 3-18-71

Druid Hills

Dep. Clerk DeKalb Sup. Ct.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:



DEKALB COUNTY

10 21 AM '71

TERON BURGESS

(SEAL)

JACK B. NICKEL

(SEAL)

LOIS R. NICKEL

(SEAL)

FILED 3-24-71

01-01446

(Do Not Write Above This Line)

A RESOLUTION
BY COUNCILMEMBER CATHY WOOLARD

AN ORDINANCE TO PROVIDE FOR THE
DEANNEXATION OF LAND LOCATED AT
1761 SOUTH PONCE DE LEON AVE., NE,
ATLANTA, GEORGIA FROM THE
CORPORATE LIMITS OF THE CITY OF
ATLANTA GEORGIA; AND FOR OTHER
PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 9/4/01

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee _____
Date _____
Chair _____
Referred to _____

First Reading

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

CERTIFIED

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

MAYOR'S ACTION